

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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TRANS-SPEC TRUCK SERVICE, INC.  
d/b/a TRUCK SERVICE,

Plaintiff

vs.

CATERPILLAR INC.

Defendant

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CIVIL ACTION NO. 04-11836-RCL

AFFIDAVIT OF CHRISTOPHER R. HOWE

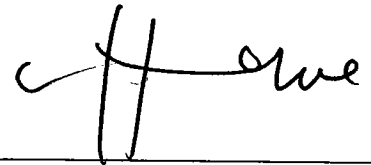
I, Christopher R. Howe, of full age, on my oath depose and say as follows:

1. I am an attorney, an associate at the law firm of Campbell Campbell Edwards & Conroy, P.C., and a member in good standing of the bar of this court and of all other jurisdictions to which I have been admitted. I have represented the defendant Caterpillar Inc. in this case at all relevant times.

2 On March 4, 2005, I participated with Richard P. Campbell, a shareholder in my firm, in a telephonic discovery conference with Christian Samito, an attorney representing the plaintiff, Trans-Spec Truck Services, Inc. During the course of the conference, Mr. Campbell and I agreed that Caterpillar would produce other "policy" or "protocol" type documents, if any, that pertain to servicing the model C-12 engine. We further agreed that we would recommend that Caterpillar produce its dealer agreement with MiltonCAT and that if Caterpillar could locate any documents pertaining to the alleged visits and performance testing referenced in Trans-Spec's discovery, we would also produce these documents. Additionally, we agreed that Caterpillar


would supplement its answers to Interrogatory Nos. 6, 9, 10, 11, 12, 13, 15, 16, 18, 19 and 20 as appropriate when it completes its discovery of Trans-Spec. Otherwise, we clearly told Mr. Samito that Caterpillar believed the original responses it had provided to Trans-Spec's interrogatories and Rule 34 requests were proper and adequate and that no further responses would be provided voluntarily in the near future.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 12th DAY OF APRIL, 2005.



CHRISTOPHER R. HOWE (BBO: 652445)  
Campbell Campbell Edwards & Conroy, PC  
One Constitution Plaza  
Boston, MA 02129  
(617) 241-3000

On this 12th day of April, 2005, before me, the undersigned notary public, personally appeared Christopher R. Howe, well-known to me to be the person whose name is signed on this affidavit, and who swore or affirmed that the contents of the affidavit are truthful and accurate to the best of his knowledge.



4/12/05  
Notary Public  
My Commission Expires: 3/14/2012